

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

ERNIE J. FOWLKE,  Plaintiff,          vs.    BAC HOME LOANS SERVICING, LP; DOES 1-5;  Defendants.	MEMORANDUM DECISION AND ORDER GRANTING DEFENDANT’S MOTION TO DISMISS AND MOTION FOR RELEASE OF LIS PENDENS       Case No. 2:10-CV-980 TS
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This matter is before the Court on Defendant’s unopposed Motion to Dismiss, filed with this Court on October 13, 2010<sup>1</sup> and Defendant’s Motion to Release Lis Pendens.<sup>2</sup> DUCivR 7-1(d) states: “Failure to respond timely to a motion may result in the court’s granting the motion without further notice.” Plaintiff has failed to timely respond to the Motion to Dismiss. Furthermore, this Court has repeatedly rejected the arguments raised in Plaintiff’s Complaint and

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<sup>1</sup>Docket No. 4.

<sup>2</sup>Docket No. 7.

granted 12(b)(6) motions dismissing them.<sup>3</sup> Consequently, the Court will grant the Motion. It is therefore

ORDERED that Defendant's Motion to Dismiss (Docket No. 4) is GRANTED. Because Plaintiff's claims are now dismissed, it is further

ORDERED that Defendant's Motion to Release Lis Pendens (Docket No. 7) is GRANTED and the Lis Pendens recorded in the Office of the Washington County Recorder on September 16, 2010, Document No. 20100031240, pertaining to the property located in Washington County, State of Utah known as 178 East Skyview Lane, Washington, Utah and more particularly described as:

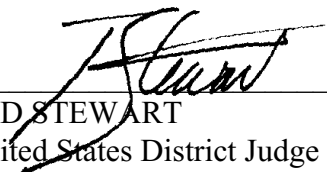
ALL OF LOT THIRTY-TWO (32), SKYVIEW ESTATES, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER OF WASHINGTON COUNTY.

Parcel # W-SKVE-32

IS HEREBY RELEASED in its entirety.

DATED April 11, 2011.

BY THE COURT:

  
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TED STEWART  
United States District Judge

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<sup>3</sup>*Witt v. CIT Group/Consumer Finance Inc.*, 2010 WL 4609368 (slip copy) (D. Utah Nov. 5, 2010); *Foster v. BAC Home Loan Servicing, LP*, 2010 WL 3791976 (D. Utah Sept. 22, 2010) (collecting cases).